

## Office of the Secretary of Defense

## § 84.6

ethics and procurement integrity training as required;

(4) In coordination with the DoD component DAEO or designee, establish out-processing procedures and records to advise DoD employees of available counseling regarding post-employment and procurement integrity restrictions prior to departure from DoD;

(5) In coordination with the DoD component DAEO or designee, establish procedures to advise incoming and outgoing DoD employees of their financial and employment disclosure reporting obligations.

(q) The administrative officer (or equivalent) of each DoD component command and organization shall:

(1) Ensure that each position description of the DoD component command or organization indicates if an SF 278,<sup>3</sup> "Public Financial Disclosure Report," January 1991, or SF 450, and annual ethics and procurement integrity training are required so prospective or new DoD employees are on notice of such requirements prior to employment;

(2) Upon the request of the DAEO or designee, ensure the accuracy of personnel data provided by the Director of the DoD component personnel office on DoD employees of the DoD component command or organization;

(3) In coordination with the DoD component DAEO or designee, develop a list of all DoD employees within the DoD component command or organization who are required to receive ethics and procurement integrity training;

(4) In coordination with the DoD component DAEO or designee, ensure that DoD employees of the DoD component command or organization are scheduled to receive required ethics and procurement integrity training;

(5) Annotate such list to indicate when required training was accomplished and retain annotated list for three years.

(r) Each DoD employee shall:

(1) Abide by the ethical principles established by Executive Order 12674, ethics statutes, and the ethics regulations

promulgated by OGE and the DoD thereunder;

(2) Set a personal example for fellow DoD employees in performing official duties within the highest ethical standards;

(3) Report suspected violations of ethics regulations in accordance with § 84.38(a);

(4) Perform all official duties so as to facilitate Federal Government efficiency and economy;

(5) Attend ethics and procurement integrity training as required;

(6) File financial and employment disclosure reports as required.

[59 FR 13214, Mar. 21, 1994, as amended at 60 FR 20029, Apr. 24, 1995]

### Subpart B—Standards of Ethical Conduct

#### § 84.5 Office of Government Ethics regulation.

See 5 CFR part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch." The following sections of 5 CFR part 2635 are military general orders: § 2635.202(a); § 2635.202(c)(1),(2),(3),(4), and (5) (excluding example and paragraphs (c)(4) (i) through (iii)); § 2635.302; § 2635.402(a) (excluding note); § 2635.502(a) (excluding paragraphs (a)(1) and (2)); § 2635.503(a) (excluding examples); § 2635.604(a) (excluding the last sentence and examples); § 2635.606(a) (excluding the last sentence and example); the first sentence of § 2635.702; § 2635.702(a) (excluding examples); § 2635.702(b) (excluding examples); § 2635.702(c) (excluding examples); § 2635.703(a); § 2635.704(a); § 2635.705(b) (excluding examples); the first paragraph of § 2635.802; § 2635.802(a); § 2635.802(b) (excluding sentence beginning "Employees are cautioned \* \* \*") and excluding examples); § 2635.805(a); § 2635.807(a) (excluding paragraphs (a)(1) and (2)); the first sentence of § 2635.808; § 2635.808(b) (excluding example); and § 2635.808(c) (excluding paragraph (c)(3) and examples).

#### § 84.6 DoD supplement to 5 CFR part 2635.

See 5 CFR 3601.101–3601.108, "Supplemental Standards of Conduct for Employees of the Department of Defense." The following sections of 5 CFR

<sup>3</sup>Copies are available from U.S. Office of Government Ethics, 1201 New York Avenue NW., Suite 500, Washington, DC 20005–3917.

3601.101–3601.108 are military general orders: § 3601.104(a) (excluding paragraphs (a)(1) and (2)); § 3601.104(b); § 3601.105(a); § 3601.105(b); § 3601.105(c); § 3601.106; and § 3601.108 (excluding paragraphs (a) through (c)).

#### § 84.7 DoD guidance.

(a) *Gifts*—(1) *Procurement officials*. In addition to the restrictions on gifts in 5 CFR part 2635, subpart B, procurement officials are subject to the gift acceptance restrictions of the procurement integrity statute. See 41 U.S.C. 423 and 48 CFR 3.104.

(2) *Gifts from foreign governments*. There are special DoD rules governing gifts from foreign governments. See 5 U.S.C. 7342 and 32 CFR part 95.

(3) *Ship launch and similar ceremonies*. A DoD employee may not accept gifts in connection with a ceremony to mark the completion of a milestone in shipbuilding, aircraft completion, or similar vehicle launch or roll-out unless attendance is official and is approved by the head of the DoD component command or organization and the gifts are limited to the following (see 5 U.S.C. 7301 note):

(i) Attendance at appropriate functions incident to the ceremony, such as a dinner preceding the ceremony and reception following it, and related food, hospitality and entertainment, as long as the function and related benefits are not lavish, excessive, or extravagant;

(ii) Tangible gifts or mementos in connection with the ceremony to DoD employees, their spouses, and their dependent children, who are official participants in the ceremony, as long as the aggregate retail value does not exceed \$100 per family and the cost is not borne by the Federal Government. When such gifts exceed the \$100 limit, the recipient shall pursue one of the following alternatives:

(A) Return the gift to the donor;

(B) Retain the gift after reimbursing the donor the full value of the gift; or

(C) Forward the gift to the appropriate DoD component official for disposition as a gift to the Federal Government in accordance with statute. See 10 U.S.C. 2601.

(b) *Use of Federal Government telephone systems*. See GSA regulation 41 CFR

part 201–21, subpart 201–21.6, on management of Federal Government telecommunications resources.

(1) The use of Federal Government telephone systems (including calls over commercial systems which will be paid for by the Federal Government), except as provided in paragraph (b)(2) of this section shall be limited to the conduct of official business. Such official business calls may include emergency calls and calls that the DoD components determine are necessary in the interest of the Federal Government.

(2) Personal calls (such as calls to speak to spouse/minor children or to arrange for emergency repairs to residence or automobile) that must be made during working hours over the commercial local/long distance network may properly be authorized as being in the best interest of the Federal Government if the call is consistent with the following criteria:

(i) It does not adversely affect the performance of official duties by the DoD employee or the DoD employee's organization;

(ii) It is of reasonable duration and frequency; and

(iii) It could not reasonably have been made at another time;

(iv) And, in the case of long distance calls, is:

(A) Charged to the employee's home telephone number or other non-Federal Government number (third number call);

(B) Made to an 800 toll-free number;

(C) Charged to the called party if a non-Federal Government number (collect call);

(D) Charged to a personal telephone credit card; or

(E) When traveling for more than one night on Federal Government business in the United States, a brief call to his residence to notify family of a schedule change.

(c) *Gambling*. (1) [The following is a General Order] A DoD employee shall not participate while on Federally-owned or leased property or while on duty (for military members, this means, in this context, present for duty) for the Federal Government in any gambling activity prohibited by 5 CFR 735.201 except: